

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting
October 16, 2007

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 1:07 P. M., Tuesday, October 16, 2007, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: George H. Schwartz; M. S. "Joe" Brito; Jack R. Cavalier, Chairman; Mark Dudenhefer, Vice Chairman; Peter J. Fields; Robert C. Gibbons; and Paul V. Milde.

Also in attendance were: Anthony Romanello, Deputy County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

Legislative; Report of the Superintendent of Schools. Dr. David E. Sawyer, Division Superintendent of Schools, gave a presentation on current issues and responded to Board members questions.

Legislative; Status Report on the Water Emergency. Mr. Michael Neuhard, Deputy County Administrator, gave a status report on the local water emergency and responded to Board members questions.

Legislative; Work Session on Capital Projects Financing. Mr. Anthony Romanello, Deputy County Administrator, commented.

The following persons commented and responded to Board members questions:

Ms. Maria Perrotte, Chief, Financial Officer; Fire Chief Rob Brown; Sheriff Charles Jett; Mr. Chris Hoppe, Acting Director of Parks and Recreation.

Representatives from Public Financial Management, the County Financial Advisors, commented further.

Legislative; Presentation by Stafford Area Soccer Association. Mr. Reb Benson, President of the Stafford Area Soccer Association, gave a presentation and responded to Board members questions.

Ms. Bonnie M. France, McGuireWoods Bond Counsel, commented further.

Hearing no objections, the Board requested further information at the next Board meeting.

Recess. At 4:03 P.M., the Chairman declared a recess.

Call to Order. At 4:16 P.M., the Chairman called the meeting back to order.

Legislative; Discuss Illegal Signs in the Virginia Department of Transportation Right-of-Ways. Mr. Charles Stunkle, Acting Residency Administrator, introduced Mr. David Stanley as the newly appointed Residency Administrator, and responded to Board members questions.

Legislative; Work Session on Deferred Business Items. Mr. Dudenhefer motioned, seconded by Mr. Fields, to defer Item 2 to a future work session.

The Voting Board tally was:

Yea: (4) Cavalier, Dudenhefer, Fields, Gibbons

Nay: (3) Brito, Milde, Schwartz

Legislative; Closed Meeting. At 4:33 P.M., Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution CM07-31.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Resolution CM07-31 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regards to the Crow's Nest condemnation and related litigation; Brookridge Subdivision Litigation and Road Issue; Seven Lakes v. Garrett Development Litigation; Mandatory Water and Sewer Connection Ordinance; and Courthouse Redevelopment Area, Comprehensive Plan and Rezoning Issues; and

WHEREAS, pursuant to Section 2.2-3711 A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 16th day of October, 2007 does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 5:05 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM07-31a.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Resolution CM07-31a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
OCTOBER 16, 2007

WHEREAS, the Board has, on this the 16th day of October, 2007, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 16th day of October, 2007, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Mr. Milde motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-441.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Resolution R07-441 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT TO THE LAND USE PLAN COMPONENT OF THE COMPREHENSIVE PLAN TO THE PLANNING COMMISSION REGARDING A CHANGE IN LAND USE CLASSIFICATION FOR CERTAIN PARCELS OF LAND FOR CURRENT AND FUTURE PUBLIC PARK FACILITIES

WHEREAS, amending the Land Use Plan designation on various parcels of land to Park Land would more clearly reflect the current and future land use needs within the County; and

WHEREAS, the existing park facilities and development of commercial and residential property has changed the composition of land use in certain areas of the County; and

WHEREAS, the Board has previously acknowledged the need within the County for additional park facilities; and

WHEREAS, current and projected land use trends within certain areas of the County are not adequately reflected within the Land Use Plan, particularly as it applies to the need for additional and varied park lands; and

WHEREAS, the following properties have been identified as new park lands, either currently in use, being constructed for use, have been dedicated and conveyed to

the County for use, or proposed for future use since the last amendment to the Land Use Plan component of the Comprehensive Plan:

1. Chichester property (portion of Assessor's Parcel 45-220E);
2. Crow's Nest (part of Assessor's Parcels 48-1 and part of 49-27 and Crow's Nest Harbour, consisting of 49D-A-1 through 100; 49D-B-1 through 100; 49D-C-A; 49D-C-101 through 143; 49D-D-A, B, C, D, E and F; and 49D-D-1 through 103) (approximately 2,887 acres);
3. Embrey Mill Site (two proposed sites within the Embrey Mill Subdivision) (portion of 29-53);
4. Government Island (Assessor's Parcels 21-B-2803);
5. Musselman/Jones Properties (Assessor's Parcels 45-127 and 45-127G);
6. Patawomeck Park (Assessor's Parcel 22-18)
7. Stafford Recreational Soccer League Site (Assessor's Parcel 39-53, 71, and 76A);
8. Vulcan Quarry (portion of Assessor's Parcel 20-4A, 22.9 acre proffered site);
9. Widewater State Park (Assessor's Parcels 31-98, 100, 32-4, and 41-1, 2, 4, 4D) (Commonwealth of Virginia, 1,100 acre site on Widewater Peninsula); and
10. City of Fredericksburg, parcels along Rappahannock River (Assessor's Parcels 42-10, 52-5, and 54-88A), and

WHEREAS, the proposed amendment to the Land Use Plan is necessary to make the Plan consistent with the revised map and to update text information regarding parks and recreation; and

WHEREAS, the Board previously approved an amendment to the Comprehensive Plan to reflect present and proposed parks, which amendment was challenged in litigation; and

WHEREAS, the Board desires to specifically enumerate each present and proposed park in the Comprehensive Plan; and

WHEREAS, pursuant to Virginia Code § 15.2-2229, the Board of Supervisors may direct the Planning Commission to prepare an amendment to the Comprehensive Plan and submit it to public hearing before making a recommendation back to the governing body;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 16th day of October, 2007, pursuant to Virginia Code § 15.2-2229, does hereby direct the Planning Commission to prepare an amendment to the Land Use Plan and update the Land Use Plan text to be consistent with the map and to hold a public hearing and make recommendations for the Board to take action before December 1, 2007.

Recess. At 5:06 P. M. the Chairman declared a recess until 7:00 P. M.

Call to Order. At 7:00 P.M., the Chairman called the meeting back to order.

Invocation. Mr. Fields gave the Invocation.

Pledge of Allegiance. Mr. Milde lead in the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentations by the Public. The following persons spoke on topics as identified:

- | | |
|--------------|----------------------------------|
| Dan Gray | - Public safety. |
| Ruth Carlone | - Dredging of Abel Lake. |
| | - Water restrictions. |
| | - Courthouse redevelopment area. |
| John Foote | - Courthouse redevelopment area. |
| Gail Hunter | - Pump and haul program. |
| Dana Brown | - Board actions. |

- Don Burlingham - Use of County pools.
- Lou Silver - Items listed on the Capital Improvements Program.
- Falmouth intersection..

Planning and Zoning; Consider a Conditional Use Permit at 225 Cedar Grove Road. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

Clark Leming, on behalf of the Applicant

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-399 with changes.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Resolution R07-399 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT
PURSUANT TO APPLICATION CUP2700542 TO ALLOW A STREET
CROSSING IN A FLOOD HAZARD OVERLAY DISTRICT, ON
ASSESSOR'S PARCELS 35-21, 23 AND 24, HARTWOOD ELECTION
DISTRICT

WHEREAS, Vulcan Westlake, applicant, has submitted application CUP2700542 requesting a Conditional Use Permit to allow a street crossing in a Flood Hazard Overlay District, on the above-described property; and

WHEREAS, the application has been submitted pursuant to Table 3.1 of the Zoning Ordinance which permits this use in a Flood Hazard Overlay District after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October, 2007, that a Conditional Use Permit pursuant to application CUP2700542 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is for a street crossing in a Flood Hazard Overlay District on Assessor's Parcels 35-21, 23, and 24 consisting of 8.2 acres.
2. The location of the street crossing shall be in the general location shown on the Generalized Development Plan, titled Vulcan Westlake Quarry, prepared by Dewberry and Davis LLC, dated April 20, 2007.
3. The applicant shall obtain all applicable Federal, State and County permits and authorizations for stream encroachment, water quality, wetlands, land disturbance, and Chesapeake Bay Preservation Area overlay district requirements.
4. The applicant shall obtain a Conditional Letter of Map Revision (CLOMR) prior to construction of the access road culvert. After construction, the applicant shall

- obtain a Letter of Map Revision (LOMR) for the project to reflect the as-built condition of the access road and culvert.
5. Construction of the road crossing shall be limited to the hours of 6:00 A. M. to 8:00 P. M. daily. Weekends and holidays 8:00 A. M. to 8:00 P. M.
 6. The applicant shall submit to the County and receive approval of a major water quality impact assessment for the area affected by this application prior to constructing the access road culvert.
 7. The applicant shall notify the Department of Code Administration upon commencing work on the access road culvert and associated fill areas along Horse Pen Run.
 8. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

Planning and Zoning; Consider a Conditional Use Permit at 135 Clift Farm Road. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Jeff Lamberson, on behalf of the Applicant

Ruth Carlone

Mike Logan

Lou Silver

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-387.

Discussion ensued.

Mr. Gibbons made a substitute motion, seconded by Mr. Dudenhefer, to defer indefinitely proposed Resolution R07-386.

The Voting Board tally was:

Yea: (6) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (1) Schwartz

Treasurer; Amend the County Code Regarding Collection of Fees on Delinquent Taxes.

Mr. Bill Colvin, Treasurer, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Milde, to adopt proposed Ordinance O07-72.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Ordinance O07-72 reads as follows:

AN ORDINANCE WHICH AMENDS SECTION 23-10 OF THE
STAFFORD COUNTY CODE TO PROVIDE FOR THE
COLLECTION OF FEES ASSOCIATED WITH THE COLLECTION
OF DELINQUENT TAX BILLS

WHEREAS, the costs of the collection of delinquent accounts should be borne by those who have failed to meet their obligations and not the general citizens of Stafford County; and

WHEREAS, Virginia State Code Section 58.1-3958 authorizes the collection of fees to cover the administrative costs and reasonable attorney's or collection agency's fees incurred in collecting delinquent taxes; and

WHEREAS, the fees collected would cover the costs of collection in the event the account is assigned to a credit collection agency or attorney; and

WHEREAS, the Board has carefully considered the recommendation of staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this 16th day of October, 2007, that the Stafford County Code is hereby amended as follows:

Sec. 23-10. Collection fee for delinquent taxes.

~~There shall be a fee to cover the administrative costs associated with the collection of delinquent taxes as follows:~~

~~(1) Ten dollars (\$10.00) for taxes collected subsequent to the filing of a warrant or other appropriate legal documents, but prior to judgment.~~

~~(2) Fifteen dollars (\$15.00) for taxes collected subsequent to a judgment.~~

~~Such fees shall be in addition to all penalties and interest.~~

Any person liable for local taxes who fails to pay the taxes on or before the due date shall, in addition to all penalties and interest, pay a fee to cover the administrative costs associated with the collection of delinquent taxes. Such fees shall be imposed no earlier than 30 days after notice of the delinquency has been sent to the taxpayer and shall be equal to the maximum amounts allowed by Section 58.1-3958 of the Virginia Code, as

amended, or such other Virginia statute regulating the amount of such fees or covering the subject of fees in such cases. In addition to the administrative fee, the Treasurer may add to the delinquent tax bill, any collection agency's fees or attorney's fees actually contracted for, not to exceed twenty (20) percent of the delinquent tax bill.

Finance; Adopt the Capital Improvements Program for 2008-2012, Approve Financing, and Authorize a Public Hearing for Appropriation of Bond Proceeds. Mr. Anthony Romanello, Deputy County Administrator, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Dean Fetterolf

Bob Woodson

Jack Rowley

Lloyd Chittum

David Moyer

Marvin Newton

Ruth Carlone

Dana Brown

Patricia Kurpiel

Laura Niewold

Lou Silver

Steve Ballister

The Chairman closed the public hearing.

Mr. Fields motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-427 with changes.

Discussion ensued.

Mr. Dudenhefer made a substitute motion, seconded by Mr. Gibbons, to refer this item to a three member committee (and all those that want to come) of the Board to report back at the November 20th Board meeting on two items: 1) Identify by project which projects would be most suitable for General Obligation Bonds and which projects would be most suitable for Lease Revenue Bonds; and 2) Identify the further operating and maintenance cost of each project. The Board did not identify the members of the committee.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Dudenhefer, Fields, Gibbons, Milde, Brito, Cavalier
Nay: (1) Schwartz

Legislative; Consent Agenda. Mr. Gibbons motioned, seconded by Mr. Fields, to adopt the Consent Agenda consisting of Items 8 thru 13.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer
Nay: (0)

Item 8. Legislative; Approve Minutes of Board Meeting. Regular Meeting of September 18, 2007.

Item 9. Finance; Approve Expenditure Listing.

Resolution R07-409 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED OCTOBER 2, 2007 THROUGH OCTOBER 15, 2007

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October 2007, that the above-mentioned EL be and it hereby is approved.

Item 10. Utilities; Purchase Chemicals.

Resolution R07-350 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT AMENDMENT FOR ODOR CONTROL
CHEMICAL

WHEREAS, the Department of Utilities needs to purchase an odor control chemical to eliminate hydrogen sulfide generation at a number of its wastewater pump stations; and

WHEREAS, Stafford County has an existing contract for Custom Blended Alkali CBA-45 which has been quite effective in reducing hydrogen sulfide formation and eliminating odor complaints; and

WHEREAS, the current contract includes provisions for up to four (4) one-year extensions;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October, 2007, that the County Administrator be and he hereby is authorized to execute a contract amendment with Basic Chemical Solutions in an amount not to exceed One Hundred Fifty-six Thousand Five Hundred Ninety Dollars (\$156,590).

Item 11. Transportation; Consider FY2008 Congestion Mitigation and Air Quality (CMAQ) Improvement Program Projects

Resolution R07-425 reads as follows:

A RESOLUTION TO APPROVE FISCAL YEAR 2008 CONGESTION
MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM PROJECTS

WHEREAS, it is the Board's desire to take advantage of all available funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive federal Congestion Mitigation and Air Quality (CMAQ) Program funds; and

WHEREAS, the Fredericksburg Metropolitan Area Metropolitan Planning Organization (FAMPO) distributes these funds in our region;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October, 2007, that the Board desires to allocate FY2008 CMAQ Program funds in the following manner: Virginia Railway Express (VRE) Leeland Station Parking Lot Expansion, Two Hundred Fifty Thousand Dollars (\$250,000); VRE Brooke Station Parking Lot Expansion, Two Hundred Thousand Dollars (\$200,000). Additional CMAQ Program funding is to be allocated to the construction of an additional left turn lane on westbound Garrisonville Road (SR-610) onto southbound Mine Road (SR-684); and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the FAMPO Administrator.

Item 12. Public Information; Authorize a Public Hearing to Execute a Cable Television Franchise Agreement with Cavalier IP TV, LLC.

Resolution R07-429 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER
EXECUTION OF A CABLE TELEVISION FRANCHISE AGREEMENT
WITH CAVALIER IP TV, LLC

WHEREAS, Cavalier IP TV, LLC currently provides telephone and high-speed Internet services to Stafford customers through leased copper and fiber owned by Verizon; and

WHEREAS, Cavalier proposes to use its existing fiber distribution network to provide digital television programming services to a small geographic area in the southern portion of the County within 12,000 line feet of a Verizon wire center located in the City of Fredericksburg in which Cavalier collocates equipment; and

WHEREAS, in accordance with the new state law on “system construction,” Cavalier has committed in the Franchise Agreement to expand its service if improvements in technology make extension of service commercially viable; and

WHEREAS, the Cavalier Franchise stipulates that the company will pay five percent of its gross revenues to a “Communications Tax”; will provide one percent of its gross revenues for Governmental, and Educational channels; and will adhere to aggressive customer service standards;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October, 2007, that the County Administrator be and he hereby is authorized to advertise a public hearing to execute a non-exclusive Franchise Agreement with Cavalier IP TV, LLC.

Item 13. Legislative: Approve a Proclamation to Recognize and Commend Sue Moore for Her Outstanding Volunteer Efforts

Proclamation P07-27 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND
SUGAKO MOORE FOR HER OUTSTANDING VOLUNTEER EFFORTS

WHEREAS, Sugako Moore, a Japanese citizen who recently moved to Stafford with her husband, was a graphic designer in her native country who learned Japanese sign language and volunteered with the elderly in assisted living facilities; and

WHEREAS, because of her desire to meet people and become involved in her new community, Sugako Moore decided to study American sign language to improve her English skills, and began volunteering at the disAbility Resource Center in June 2006; and

WHEREAS, Sugako Moore volunteers in the center's Deaf and Hard of Hearing Department, entering detailed information about consumer visits into a new online database and helping clients complete detailed applications requesting funding for various assisted listening devices; and

WHEREAS, Sugako Moore also volunteers at Hospice Support Care, Inc., performing administrative duties and acting as receptionist one afternoon each week, in addition to visiting clients several times a week to offer companionship, conversation and a human connection through comforting hand massages; and

WHEREAS, staff at both organizations are extremely grateful to Sugako Moore for her consistent, professional support that allows them to devote more time working directly with their clients in an environment where there are never enough hours in the day or sufficient funds to accomplish every goal; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the enthusiasm, dedication and joy with which Sugako Moore has volunteered more than 750 hours at the disAbility Resource Center and Hospice Support Care Services during the last year;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 16th day of October, 2007, that Sugako Moore be and she hereby is commended for her exceptional service to the community.

Utilities; Consider Mandatory Water and Sewer Connections. Mr. Gibbons commented.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to authorize a public hearing on the proposed Ordinance O07-44 with changes.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Fields, to authorize a public hearing on the proposed Ordinance O07-44.

Discussion further ensued.

The Voting Board tally on the substitute motion was:

Yea: (3) Schwartz, Brito, Fields

Nay: (4) Milde, Cavalier, Dudenhefer, Gibbons

The Voting Board tally on the original motion was:

Yea: (4) Gibbons, Milde, Cavalier, Dudenhefer

Nay: (3) Schwartz, Brito, Fields

Utilities; Provide Pump and Haul Services at 7 Lorenzo Drive. Mr. Dale Allen, Assistant Director of Utilities, gave a presentation and responded to Board members questions.

Mr. Fields motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-345.

The Voting Board tally was:

Yea: (4) Brito, Cavalier, Fields, Gibbons

Nay: (3) Schwartz, Dudenhefer, Milde

Resolution R07-345 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO PROVIDE PUMP AND HAUL SERVICES AT 7 LORENZO DRIVE

WHEREAS, the County has an Agreement and General Permit with the State Health Department for pump and haul arrangements; and

WHEREAS, a property has been certified by the Virginia Department of Health for sewer service in accordance with these arrangements and must be added to the general agreement pump and haul list; and

WHEREAS, by the adoption of Resolution R98-29, the Board has established a Pump and Haul Service Policy which requires the property owner and the County to enter into a contract for pump and haul service;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 16th day of October, 2007 that the County Administrator be and he hereby is authorized to add the following property to the agreement with the Virginia Department of Health:

7 Lorenzo Drive – George Washington District; and

BE IT FURTHER RESOLVED that the County Administrator be and be hereby is authorized to execute a pump and haul service agreement with the property owner.

Utilities; Authorize Non-Residential Pump and Haul for Parcels 29-93A and 29-92B.

Mr. Dale Allen, Acting Director of Utilities, gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-340.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Resolution R07-340 reads as follows:

A RESOLUTION TO DENY NON-RESIDENTIAL PUMP AND HAUL AGREEMENT AT PARCELS 29-93A AND 29-92B, WYCHE INDUSTRIAL PARK

WHEREAS, the County has an Agreement and General Permit with the State Health Department for Pump and Haul services; and

WHEREAS, the Wyche Park LLC has requested that Parcels 29-93A and 29-92B be added to the County's permit as a non-subsidized pump and haul customer; and

WHEREAS, Resolution R06-339 established the County’s policy for non-residential customers; and

WHEREAS, Resolution R06-339 limits the use of pump and haul for new structures to specific uses or to locations where public sewer is anticipated in the near future; and

WHEREAS, and public sewer is not anticipated to become available in the near future;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October, 2007, that the request of Wyche Park LLC for Non-Residential, non-subsidized Pump and Haul at Parcels 29-93A and 29-92B be and it hereby is denied.

Utilities; Reconsider Pump and Haul Service at 11 Rosehaven Street. Mr. Dale Allen, Acting Director of Utilities, gave a presentation and responded to Board members questions.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-431.

The Voting Board tally was:

Yea: (4) Cavalier, Fields, Gibbons, Brito

Nay: (3) Dudenhefer, Milde, Schwartz

Resolution R07-431 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO PROVIDE PUMP AND HAUL SERVICES AT 11 ROSEHAVEN STREET

WHEREAS, the County has an agreement and General Permit with the State Health Department for pump and haul arrangements; and

WHEREAS, a property has been certified by the Virginia Department of Health for sewer service in accordance with these arrangements and must be added to the general agreement pump and haul list; and

WHEREAS, by the adoption of Resolution R98-29, amended by Resolution R06-240, the Board established a Pump and Haul Service Policy which requires the property owner and the County to enter into a contract for pump and haul service;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October, 2007 that the County Administrator be and he hereby is authorized to add the following property to the agreement with the Virginia Department of Health:

11 Rosehaven Street – Rock Hill District; and

BE IT FURTHER RESOLVED that the County Administrator be and be hereby is authorized to execute a pump and haul service agreement with the property owner.

Planning and Zoning; Refer a Comprehensive Plan Amendment to the Planning Commission and Authorize the Initiation of the Reclassification of Parcels in the Courthouse Redevelopment Area. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-423.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier
Nay: (0)

Resolution R07-423 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT TO THE
COMPREHENSIVE PLAN TO THE PLANNING COMMISSION
FOR THE COURTHOUSE REDEVELOPMENT AREA TO CHANGE
ASSESSOR'S PARCELS 29-92A, 92B, 93A, AND 93C; 29A-1-1, 2, 8, 8A,
8B, 9A, 10A, 11, 12, AND 13; 30-53, 53G, 54, 54A, AND 56; 38-73, 74A, 76,
76A, 76B, 76C, 76D, 76E, 76F, 76G, 76H, 76J, 77, 80, 80A, 81, 81A, 82, 83,
83A, 83B, 83C, 83D, 83E, 83F, 83G, 83H, 83J, 83K, 84, 84A, 85, 85A, 86A,
86B, 86C, 87, 92, 92A, 92B, 93, 93A, 95, AND 96; 39-1, 2, 4, 4A, 8, 9, 16, 16B,
16C, 16D, 16E, 16F, 16G, 16H, 16J, 16K, 16L, 56A, 56B, 56C, 56D, 56E, 57,
57A, 57B, 57C, 57D, 57F, 62, 62A, 66, 66A, 68A, AND 71A; FROM LIGHT
INDUSTRIAL AND HEAVY INDUSTRIAL LAND USE TO URBAN
COMMERCIAL LAND USE

WHEREAS, the Board has endorsed the strategic plan for redevelopment of the
Courthouse area in the vicinity of Jefferson Davis Highway and Courthouse Road; and

WHEREAS, the current Land Use Plan does not accurately reflect the vision for
redevelopment of this area; and

WHEREAS, the Board has previously adopted a Comprehensive Plan for the
County pursuant to Va. Code §15.2-2223, et seq.; and

WHEREAS, the current Comprehensive Plan/Land Use Plan recommends the
portions of the Courthouse Redevelopment Area for Light Industrial and Heavy Industrial
use; and

WHEREAS the Board desires to consider a Comprehensive Plan amendment to change the planned use of the identified parcels in this area to a commercial category; and

WHEREAS, Section 15.2-2229, Va. Code Ann., authorizes the Board to direct the Planning Commission to prepare a Comprehensive Plan amendment for the Board's consideration;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October, 2007, that pursuant to Section 15.2-2229, Va. Code Ann., and because the public necessity, welfare, and good zoning practices require the proposed amendment, the Stafford County Planning Commission be and it hereby is requested to prepare an amendment to the Comprehensive Plan regarding Tax Map Parcels 29-92A, 92B, 93A, and 93C; 29A-1-1, 2, 8, 8A, 8B, 9A, 10A, 11, 12, and 13; 30-53, 53G, 54, 54A, and 56; 38-73, 74A, 76, 76A, 76B, 76C, 76D, 76E, 76F, 76G, 76H, 76J, 77, 80, 80A, 81, 81A, 82, 83, 83A, 83B, 83C, 83D, 83E, 83F, 83G, 83H, 83J, 83K, 84, 84A, 85, 85A, 86A, 86B, 86C, 87, 92, 92A, 92B, 93, 93A, 95, and 96; 39-1, 2, 4, 4A, 8, 9, 16, 16B, 16C, 16D, 16E, 16F, 16G, 16H, 16J, 16K, 16L, 56A, 56B, 56C, 56D, 56E, 57, 57A, 57B, 57C, 57D, 57F, 62, 62A, 66, 66A, 68A, and 71A; to change these parcels from Light Industrial and Heavy Industrial categories to the Urban Commercial designation, and to report its recommendation to the Board.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-424.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Gibbons, Milde, Schwartz, Cavalier, Dudenhefer
Nay: (2) Fields, Brito

Resolution R07-424 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO INITIATE THE APPLICATION PROCESS TO RECLASSIFY ASSESSOR'S PARCELS 29-92A, 92B, 93A, AND 93C; 29A-1-9A; 30-56; 38-77, 80, 80A, 81, 81A, 82, 83, 83A, 83B, 83C, 83D, 83E, 83F, 83G, 83H, 83J, 83K, 84, 84A, 85, 85A, 86A, 86B, 86C, 92, 92A, 93, 95, AND 96; AND 39-4, 4A, 16, 16H, 16L, AND 56D; FROM M-1, LIGHT INDUSTRIAL, AND M-2, HEAVY INDUSTRIAL, TO B-2, URBAN COMMERCIAL ZONING DISTRICT AND ASSESSORS PARCELS 30-50 AND 53; FROM R-1, SUBURBAN RESIDENTIAL TO B-2, URBAN COMMERCIAL; FOR THE COURTHOUSE REDEVELOPMENT AREA AND CONSTRUCTION OF THE FUTURE COUNTY COURTHOUSE PROJECTS

WHEREAS, the Board has endorsed the strategic plan for redevelopment of the Courthouse area in the vicinity of Jefferson Davis Highway and Courthouse Road; and

WHEREAS, the current R-1 zoning of parcels is not compatible with the construction of the future County Courthouse projects; and

WHEREAS, the current M-1 zoning and M-2 zonings of the properties are not compatible with the mission of and plans for development of the Courthouse Redevelopment Area; and

WHEREAS, seeking a change to the zoning of the property will allow the area to be developed in conformance with the strategic plan; and,

WHEREAS, the Board desires to initiate the rezoning of the subject parcels; and

WHEREAS, Section 15.2-2286, VA Code Ann., authorizes the Board to initiate an amendment to zoning classification of property; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practices require the proposed rezoning;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October, 2007, that the Board hereby initiates a zoning reclassification on Assessor's Parcels 29-92A, 92B, 93A, and 93C; 29A-1-9A; 30-56; 38-77, 80, 80A, 81, 81A, 82, 83, 83A, 83B, 83C, 83D, 83E, 83F, 83G, 83H, 83J, 83K, 84, 84A, 85, 85A, 86A, 86B, 86C, 92, 92A, 93, 95, and 96; and 39-4, 4A, 16, 16H, 16L, and 56D; from M-1, Light Industrial, and M-2, Heavy Industrial, to B-2, Urban Commercial, Zoning District, and Assessors Parcels 30-50 and 53; from R-1, Suburban Residential to B-2, Urban Commercial; and requests the Planning Commission to conduct a public hearing and include a recommendation to the Board concerning the proposed rezoning.

Legislative; Discuss Discovery Days. Mr. Gibbons commented.

Hearing no objections, staff was requested to provide additional information at the next Board meeting.

Legislative; Discuss Use of County Pools. Mr. Cavalier excused himself from this discussion, turned the gavel to the Vice Chairman and sat in the audience.

Mr. Schwartz commented.

The County Attorney commented further.

Hearing no objections from the Board, staff will provide further information to the Board by the end of the month.

Legislative; Discuss Use of County-Owned Houses at Rocky Pen Run. Mr. Brito commented.

Mr. Keith Dayton, Assistant Director of Utilities-Construction/Maintenance, commented further.

Mr. Brito motioned, seconded by Mr. Gibbons, to authorize a public hearing to consider the rental of two County owned properties at Rocky Pen Run.

The Voting Board tally was:

Yea: (5) Gibbons, Schwartz, Brito, Dudenhefer, Fields

Nay: (2) Milde, Cavalier

Legislative; Discuss Voting Credentials for the VACo Annual Meeting. The Chairman commented.

Hearing no objections from the Board, Mr. Gibbons and Mr. Fields were appointed to vote at the Virginia Association of Counties Annual Meeting behalf of the County.

Adjournment. At 10:35 P. M., the Chairman declared the meeting adjourned.

Steve Crosby
County Administrator

Jack R. Cavalier
Chairman